The Solicitors' Journal

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Current Topics.

Judicial Changes.

THE opening of Michaelmas term has been signalised by several notable changes in the ranks of the judiciary. To the regret of his many friends, LORD HANWORTH, the Master of the Rolls, has been advised for health reasons to resign the office which he has held since 1923, and to the assiduous discharge of the duties of which he gave himself unstintedly. To his unflagging interest in the national and other records which officially were under his control, future students of English history, and in particular those aspects of it which are reflected in these ancient documents, will have reason to bless the enthusiasm he evinced in them and the efficiency of his efforts for their careful preservation. As will be remembered, he belongs to a family which for several generations has given many of its scions to the law, notable among those being CHIEF BARON POLLOCK, BARON POLLOCK, "the last of the Barons," Sir FREDERICK POLLOCK, who has enriched the law by many notable treatises besides being editor of the Law Reports and having for many years conducted with consummate literary and legal ability the *Law Quarterly Review*. This intimate family association with the profession of the law prompted the witty observation made a good many years ago by LORD HANWORTH, that if he could not boast of having been born in the purple, he could at least claim to have been born in the law calf. All his friends will wish that release from his arduous judicial labours will bring with it a recovery of health and strength, so that he may enjoy a well-earned leisure. To him in the Mastership of the Rolls now succeeds LORD WRIGHT, who has been a Lord of Appeal in Ordinary since 1932, having previously been a judge of the King's Bench Division for seven years. At the Bar he enjoyed a very large practice in the Commercial Court, the work of which, and the substance of the law there administered, he had at his fingers' ends. His transfer from the House to the post of Master of the Rolls brings him again more into the full tide of judicial work, but he can say, as did Mr. Justice A. L. SMITH many years ago when he was promoted to the Court of Appeal, "no more wages, you know"—the salary of the Master of the Rolls and that of a Lord of Appeal in Ordinary being the same. He is the second Lord of Appeal in Ordinary who has come back to the Royal Courts of Justice to fill a different post in the judicial hierarchy, the earlier instance being the first LORD RUSSELL OF KILLOWEN who returned to fill the higher post of Lord Chief Justice of England.

Other Changes.

To fill the vacancy created in the House of Lords by the lamented death of LORD TOMLIN, LORD JUSTICE MAUGHAM has been appointed, and everyone will agree that he has all those qualities of learning and careful exposition so necessary in every judge, but more particularly essential in the ultimate appellate tribunal. As a judge of first instance and as a member of the Court of Appeal he has made his mark, and doubtless he will enhance this already great reputation by his work in the new sphere. To succeed him in the Court of Appeal Mr. WILFRID GREENE, K.C., has been appointed, and here again there will be universal approbation of the choice that has been made in his selection for the post. No one who has enjoyed the great pleasure of listening to Mr. GREENE could fail to be impressed both by the cogency of his arguments and by the manner of their presentation. He had a very large practice in cases involving intricate and elaborate investigation of their facts and a profound knowledge of the law applicable to the solution of the problems they set. Learning and suavity have always been happily combined in his work as an advocate, and those same qualities, we feel sure, will now be exemplified in his judicial pronouncements.

Royal Marriages.

THE announcement that His Majesty, at a specially convened meeting of the Privy Council, has given his consent under the Great Seal to the marriage of the DUKE OF GLOUCESTER to LADY ALICE SCOTT, is a fresh reminder that members of the royal house have not the like freedom in the matter of their matrimonial alliances as that possessed by ordinary subjects of the realm. The right of the Sovereign over the upbringing and education of his grandchildren was first asserted in formal terms by GEORGE II, who maintained that by virtue of his prerogative he had power to direct the education of those grandchildren to the exclusion of the parental authority of their father, the Prince of Wales. The legality of this claim was submitted to the judges, and ten out of the twelve decided in favour of the King, and even the two dissentients, who expressed the opinion that the education of the children belonged to their father, held that "the care and approbation of their marriages, when grown up, belong to the King of this realm." In 1772, GEORGE III, who had been annoyed by certain of the marriages contracted by his brothers, sought to enlarge his prerogative as head of the family. Accordingly, he sent a message to both Houses of Parliament stating that he was desirous "that the right of approving all marriages in the royal family (which ever belonged to the King of this realm, as a matter of public concern) may be made effectual." Thereupon the Royal Marriages Bill was introduced, and although it encountered a stormy passage, it eventually passed through both Houses and received the Royal Assent. By its provisions no descendants of GEORGE II, except the issue of princesses married into foreign families, can make a valid marriage unless the King has given his consent, signified under the Great Seal, and declared it in council. To this sweeping enactment there is a proviso which, however, has never been invoked, namely, that a member of the royal house, above

twenty-five years of age, may marry without the royal sanction, after giving twelve months' notice to the Privy Council, unless during that time the two Houses of Parliament have expressed disapproval. At least one attempt has been made to repeal the Act, but unsuccessfully.

Judicial Committee of the Privy Council: Michaelmas Sittings.

THE list for the Michaelmas Sittings of the Judicial Committee of the Privy Council which began last Thursday shows a total of thirty-six cases, whilst ten cases await judgment. There are three appeals from Australia and New Zealand, one from Canada, five Crown Colony and other appeals (one each from Jersey, Ceylon, Palestine, Eastern Africa and Nigeria) and twenty-seven from India, three of these being consolidated appeals. It is announced that the Lists of Appeals for 1936 for the Hilary, Easter, Trinity and Michaelmas Sittings will be closed on 31st December, 1935, 3rd April, 1936, 22nd May, 1936, and 25th September, 1936, respectively.

Depositions.

A WELL-KNOWN text-book states: "It is difficult to overestimate the value and importance of depositions taken before justices under the Indictable Offences Act, 1848. They are an official record of the oral evidence given by the witnesses when the circumstances were fresh in their memory. They inform the prisoner of the facts by which the charge made against him will be sought to be established, and so enable him to prepare his defence. They enable the clerk of indictments to prepare the indictment, and the judge, recorder, or chairman to decide whether the prisoner is entitled to have legal aid assigned to him: and they serve to check or contradict, if necessary, the evidence which the witnesses give at the actual trial." The utility of depositions under existing conditions was challenged by a reader of one of the papers at The Law Society's recent meeting at Hastings, and it was urged in the course of arguments directed towards their elimination that the only reason for them was to ascertain whether there was a *primâ facie* case. The sequel was a letter in *The Times* which, in addition to the reasons outlined above, alluded to the fact that the existing practice enables a deposition to be put in evidence at the trial if the witness is unable to be present to give evidence through death, illness, insanity, etc. In the course of a reply the reader of the paper urged that this was of very rare occurrence as the trial takes place almost always a few weeks after the preliminary hearing and, moreover, one could not imagine it would often be safe to convict on the evidence of a witness who had since died or become insane and could not be cross-examined at the trial. This alone, it was thought, could not justify the practice of depositions. With regard to other points, it should be noted that the paper itself (which was reported on p. 731 of our last issue) suggested that statements of witnesses for the prosecution should be supplied to the defence before the trial so that the prisoner should know what evidence would be given, and the reply urged that depositions are a repetition on oath of the statement previously made by witnesses and the indictment could be drawn from these, while in regard to the checking of the evidence of witnesses reference was made to a statement by Lord Chief Justice COCKBURN to the effect that he did not attach much importance to the accordance between what a witness said at the trial and what he was reported to have said before the magistrate. Moreover, evidence at the trial could be checked with copies of the statements of the prosecution's witnesses supplied to the defence. The position of the reader of the paper is apparent from a statement in his reply to the effect that the preliminary hearing is practically entirely to ascertain if there is a *primâ facie* case, that there are simpler and less expensive ways of effecting this, and that the other functions alluded to are merely some of the uses to which depositions are put and not the objects. Whatever view may be taken, the question is clearly an important one in cases involving the possible deprivation of the liberty of a subject.

Disposal of Minor Offences.

OUR columns have in the past witnessed to various means, more or less elaborate, advocated or taken to expedite legal procedure. A simple method which will not be less welcome on that account and is calculated to eliminate much unnecessary delay has been devised and is now in operation at the Clerkenwell Police Court. The plan may be taken as an example of what can be done in this direction with little or no interference with existing procedure. When the court is held for the hearing of motoring cases those in which there is a plea of "Guilty" are dealt with first. *The Times* states that this system is regarded as a great improvement on the old practice of taking cases in the order in which they appear on the court list, for it sometimes meant that trivial cases which were uncontested had to wait while other important cases lasting several hours were fought. It is also announced that the preliminary police procedure is being quickened. With the object that as little inconvenience as possible shall be caused to alleged offenders, instructions have been given by the Commissioner of Police of the Metropolis that summonses for certain motoring offences shall be issued without delay. There has in the past been frequent delay through the routine procedure of police inquiries and, it is stated, weeks might elapse between the report of a case and the police-court hearing. The process has now been accelerated to the satisfaction of all concerned. Consideration for offenders suggests *a fortiori* that every effort should be made to study, as far as practicable, the convenience of litigants. In any event there are excellent precedents for taking undefended cases first.

Government Chemist's Report.

MUCH of the matter contained in the recently issued report of the Government Chemist on the work of the Government Laboratory for the year ended 31st March, 1935, must be considered as beyond the scope of this journal, but it is interesting to note, as indicative of the connection between the work of the courts and of the laboratory, that the police authorities submitted through the Home Office eighty-two samples in connection with inquiries in the courts. Samples taken during raids on opium-smoking dens were, it is stated, found to consist of hashish, raw opium, prepared opium and opium dross, while various implements associated with opium smoking were found to contain opium. Other samples related to special inquiries connected with the Dangerous Drug Regulations. A number of cases of suspected fraudulent use of stamps and documents were dealt with at the instance of the Board of Inland Revenue, while an alleged case of forgery in connection with a document submitted by the British Museum was also considered. The provisions of the Safeguarding of Industries Act, 1921, and the Import Duties Act, 1932, occasioned the examination of a large number of further samples, while increases over the previous year in the number of samples examined are reported, *inter alia*, in connection with hydro-carbon oils, beer, wine, spirits, cocoa, chocolate, silk, sugar and samples taken under the National Marketing Schemes. The total number of samples examined in the course of the year was 522,788 which shows a substantial increase over the previous year's figure, 503,592.

Crown Lands.

THE report for the year ended March, 1935, issued on behalf of the Commissioners of Crown Lands at the beginning of the present month shows an increase of £90,000 in payments to the Exchequer from this source over those of the previous year, the total payments during 1934-5 amounting to £1,320,000. The report also indicates that of the 263,500 acres in charge of the Commissioners—exclusive of foreshores and areas in which the Crown owns the minerals but not the

surface—about 138,700 are agricultural in character, some 14,000 acres are under timber, while some 80,500 acres are unenclosed wastes, subject to common rights. Comparison of last and the preceding year's figures show in the first mentioned an increased gross revenue with a decreased gross expenditure, the amounts being for 1934–5 £1,924,406 and £594,479, and for 1933–4 £1,841,321 and £606,976.

Road Safety.

One aspect of road safety which has not received detailed treatment in this column is that of the composition and laying of road surfaces. Such a matter must, indeed, be considered as largely beyond the scope of this journal, but it will not, it is thought, be out of place to draw our readers' attention to the first report of the Road Research Board just issued by the Department of Scientific and Industrial Research. The report, which is published by the Stationery Office at 3s. net, and covers the period of two years ended 31st March, 1935, indicates the relationship existing between the department and the Ministry of Transport. Arrangements, it is stated, have been made which will secure the fullest measure of technical co-operation between the department in its conduct of the work carried out at the Road Research Laboratory at Harmondsworth, Middlesex, and the Ministry of Transport, which continues to be responsible for experimental work under normal traffic conditions. Reference is made to experiments conducted by the Board, and earlier by the National Physical Laboratory, on the subject of skidding—a problem which in regard to road safety must naturally be regarded as one of the most important with which the Board is concerned—and it is recognised that a method involving the skidding of full-sized vehicles on large surfaces, though expensive and somewhat dangerous, is one that eventually may have to be faced. One result of the work already undertaken has been to show that in wet weather roads are, in general, normally more slippery in summer than in winter. Experiments undertaken to discover the relative durability of various road surfaces are described in some detail, and it is thought that "very little progress in general research on roads will be possible until some means are available for testing durability, other than by waiting for deterioration under normal usage. One of the difficulties at the present time arises, it is intimated, from the fact that the road engineer is using materials bought frequently under trade names; the composition of these materials is not accurately known, and uniformity of results cannot, therefore, be relied upon. British standard specifications exist for tars, but these, it would seem, are so widely drawn as to permit an undesirable degree of variation in the materials supplied. Co-operative research has, it is indicated, been arranged with the British Road Tar Research Association. Stress is laid on the importance of improving methods for the control of concrete during laying and for the determination of the factors which influence the design and laying of road slabs and foundations. The foregoing only touches upon some of the principal matters dealt with in the report, but enough will have been said to indicate the character of the work which is being done and its important bearing upon the problem of road safety.

Housing Surveys.

Sir Kingsley Wood, speaking at Southampton recently, indicated the main lines along which the surveys of property required by the Housing Act, 1935, are to be conducted. The difficulties attendant upon an inquisition, which may not always be of a character agreeable to numbers of people dwelling in areas within the scope of the new statute, have not been lost sight of, and were alluded to by a correspondent to *The Times* some weeks ago, who remarked that the inspectors would have to exercise considerable tact in finding out how many persons were actually sleeping in dwelling-houses. The Minister of Health indicated that a first house to house survey will be undertaken by enumerators employed by local authorities and will record for every working-class dwelling occupied by a separate family the number of rooms in the dwelling and the number of persons in the family. This will be followed by the taking of measurements to ascertain the exact sizes of rooms in such dwellings as the first survey has shown to be overcrowded, or likely to be overcrowded if the rooms were small. Occupiers of houses concerned, Sir Kingsley said, had no need to fear that the survey would cause them any undue inconvenience. The only information occupiers would be asked to give would be the number of rooms in the house and the number of persons in the family, giving the numbers separately of those under ten years of age and those over ten. Where there were cases that disclosed overcrowding, later it would be necessary to know the length and breadth of the rooms occupied. It was indicated that the survey is being made in such a form so as to admit of it becoming the basis of a more complete survey capable of being carried out later if found desirable. Such surveys are, of course, conditions precedent to the existence of re-development schemes which require the approval of the Ministry of Health and form the basis of improvements to be effected in overcrowded areas. The position is not altogether free from difficulty, and it seems undeniable that much of the good which the Housing Act is expected to bring about will be dependent upon the co-operation of the authorities and those living in overcrowded surroundings: and, it may be added, the tact and good sense which the former display in carrying out their statutory duties.

Omnibus Smoke.

An interesting point was taken in a recent case heard before Alderman Sir Phené Neal, at the Mansion House Justice Room, when an omnibus driver was summoned for driving a vehicle that was emitting smoke which could have been prevented by the taking of reasonable steps, and the London Passenger Transport Board, as owners of the vehicle, were summoned for permitting the offence to be committed. No evidence was called for the defence, but it was submitted that the onus was on the prosecution of proving that the smoke complained of could have been prevented by the taking of reasonable steps, reference being made to previous summonses, which it was said, were dismissed on those grounds. The vehicle was fitted with a Diesel engine. Sir Phené Neal referred to evidence to the effect that other omnibuses were not emitting smoke under similar conditions, and said that in his view the absence of smoke from other omnibuses was sufficient proof that what smoke there was in this case could have been prevented. The summons against the driver was dismissed under the Probation of Offenders Act, the Board being fined 40s.

The New Public Health Bill.

The Times recently announced that preparations are being made to draft a Bill giving effect to the proposals of the committee which, under the chairmanship of Lord Addington, was appointed five years ago by the Ministry of Health to consider, *inter alia*, the consolidation of existing public health legislation. A Public Health Consolidation Bill is to be introduced in the next session of Parliament. The need for a statute consolidating existing provisions, apart from any question of the amendment of the law, will not be questioned by practitioners whose work involves investigation into the law as it is. A recent publication by the Ministry of Health on housing which gives a summary of the principal provisions of the Housing and Public Health Acts in relation to the maintenance of dwelling-houses in a reasonably fit condition for human habitation (Stationery Office, 2d.) provides a good illustration of the urgency of the need for some consolidation of the present law. Concerned as it is with only one section of public health law, it has been found necessary in a summary such as this to refer to Acts of 1875, 1878, 1890, 1907 and 1925.

Speedy Trial.

Lord Hewart, in his evidence before the Royal Commission on the Despatch of Business at Common Law (Friday, 17th May, 1935, H.M. Stationery Office, 1s. 6d.), drew attention to two rules of the Supreme Court, often overlooked by legal advisers. Attention to them will, on the one hand, ensure a speedy trial, and, on the other, may materially shorten its length.

1. *Speedy Trial.*

"In practice," said Lord Hewart (at p. 324), "we are always fixing cases." And further down he continues: "It seems to be overlooked by some of those who have spoken on this point that there already exists under one of the orders—I think it is Order XXXVI, r. 1—liberty to apply for a certificate for a speedy trial, and where the certificate is granted the common course is that a day is fixed."

The rule actually is r. 1A of that Order, made as long ago as 1919. It reads as follows:—

> "On the hearing of a summons under Order XIV . . . or of a summons for directions . . . or of any summons it shall be lawful for the court or judge if it appears that the action, cause, issue or matter is one which ought to be tried at an early date to certify that the same should be tried speedily and to fix the mode of trial."

Pausing here, it may be observed, first, that the appropriate time for the certificate to be given is on the hearing of a summons, and that this will be one of the directions to be given by the Master; secondly, that the rule applies to all manner of civil proceedings, "action, cause, issue or matter"; and thirdly, that the certificate may be granted not merely on application by either party, but also on the initiative of the Master himself, "if it appears that the action . . . is one which ought to be tried at an early date."

The rule continues with a provision for the fixing of a date after the above certificate has been given:—

> "If the court or judge so certifies either party may apply to the judge in charge of the list of actions for trial in Middlesex in the mode of trial fixed, or to the judge in chambers to fix an early date for the trial of such action, cause, issue or matter and such judge may, if in his discretion he thinks fit so to do, dispense with any notice of trial and fix the date and place of trial or direct that the trial be expedited and the action, cause, issue or matter placed in the list for trial in such position as he may think fit."

This is the second stage. First, a certificate for a speedy trial must be obtained; next, an application is made to fix a date.

The certificate is given by the master: the application is made to the judge either in chambers, or in charge of the particular list. The certificate is not implemented until *either party* makes an application in pursuance thereof and a date is fixed. On the application the judge has a discretion. He may dispense with notice of trial and assign a date; or, without doing this, he may direct that the trial be expedited and the action placed in such position as he thinks fit—e.g., taken out of its order before it would otherwise have been heard.

Applications to postpone are probably more frequent than applications to expedite, but the latter type of application is very frequent in the Commercial Court, and could, with advantage both to suitors and the public alike, be more extensively used. (See *Raeburn and Verel* v. *Burgess & Sons* [1895] 1 Com. Cas. 22: dispute, March; writ, 18th April; application, 26th April; trial, 7th May.)

2. *Admission of Facts.*—The Royal Commission was discussing whether proceedings could be accelerated by amending the law of evidence, "e.g., by providing for the admissibility of documents without formal proof, unless fraud is alleged."

"In practice," Lord Hewart replied (at p. 326), "I venture to suggest—apart from the rather special question of expert evidence—there is no insistence on formal proof to-day. Counsel in a case are obliging to each other and they do not insist upon formal proof unless, indeed, there is some document about which there is [p. 327] a real doubt—fraud, perhaps, or a question whether a particular document was communicated to them, which has to be gone into."

This is borne out by the experience of every legal practitioner.

The Lord Chief Justice continues: "But in practice, I believe that the grievance which is suggested here is rather imaginary than real. Indeed, under Order XXXII, rr. 4 and 5, there is provision for obtaining and giving admissions of facts with certain consequences that may follow. That is a very convenient piece of machinery, but, oddly enough, it is not very much used." (*ibid.*)

Another fact which, with respect, is borne out by the same experience.

Order XXXII, r. 4, is headed "Notice to admit facts." It provides—

> "Any party may, by notice in writing, at any time not later than nine days before the day for which notice of trial has been given, call on any other party to admit, for the purposes of the cause, matter, or issue only, any specific fact or facts mentioned in such notice."

"Oddly enough" this provision is not much used in the despatch of business at common law. As a rule, parties and their advisers withhold material admissions until the hearing, and accordingly do not call upon their opponents to do beforehand what they themselves would be unwilling to do. But there is the rule. Either party may call upon the other.

"Any specific fact or facts"—the number and range are unlimited—may be the subject matter of the notice. The admissions can only be used for the purposes of the case, and there is a clear week before the trial for this procedure.

The rule has a further heading: "*Costs of Refusal or Neglect to admit.*"

A notice to admit cannot easily be disregarded; a "sanction" is imposed upon failure to admit:—

> "And in case of refusal or neglect to admit the same within six days after service of such notice, or within such further time as may be allowed by the court or a judge, the costs of proving such fact or facts shall be paid by the party so neglecting or refusing, whatever the result of the cause, matter or issue may be, unless at the trial or hearing the court or judge certify that the refusal to admit was reasonable, or unless the court or a judge shall at any time otherwise order or direct."

The facts specified must be admitted within six days of service, but this period may be extended by order. The other party thus has three days to consider the effect of the admissions. In default of admissions, the costs of proving the unadmitted facts must be borne by the recusant party unless the judge thinks—and so certifies—that the refusal was reasonable, or unless he makes another order.

The rule contains two useful provisos:—

(*a*) the admission is for the purpose of the particular cause only;

(*b*) the admission may be amended or withdrawn, by leave, on terms.

> "Provided that any admissions made in pursuance of such notice is to be deemed to be made only for the purposes of the particular cause, matter, or issue, and not as an admission to be used against the party on any other occasions or in favour of any person other than the party giving the notice: Provided also, that the court or a judge may at any time allow any party to amend or withdraw any admission so made on such terms as may be just."

A rule and provisos eminently reasonable; giving adequate safeguards to the party making the admissions as well as

allowing him to withdraw them "at any time . . . on such terms as may be just." It is safe to say that if this rule were more frequently used, not only would the length of trials be diminished, but the issue would be simplified, and be made clearer.

Rule 5 specifies the Form of Notice to Admit and of Admissions (Appendix B, Nos. 12, 13).

Admissions have been a regular feature of the Commercial Court since its inception in 1895: see e.g., *Asfar & Co.* v. *Blundell & Others* [1895] 1 Com. Cas. 71 (case tried without pleadings, upon admissions and contentions agreed between the respective solicitors).

Public Policy and some Modern Institutions.

[CONTRIBUTED.]

THE article under the above heading in THE SOLICITORS' JOURNAL of the 23rd March (79 SOL. J. 204), was both interesting and curious. It was interesting because it brought to the minds of solicitors important points which require to be considered when they are taking instructions for wills, and which require to be considered with more particular care when they are drafting the wills in accordance with the instructions which they have taken. Every solicitor knows how much easier it is to take instructions than to translate them into the appropriate language when drawing a will, and to avoid the pitfalls which beset conveyancers.

The article was curious in several respects. In the first place prominence was given to what the writer called "a very important dictum in the famous case of *Sutherland* v. *Stopes*, when it was before the Court of Appeal," to which reference was made in the opinion of Viscount Finlay in the same case in the House of Lords. The writer also set out an extract from the opinion of that noble Viscount. From this it might have been thought that the case of *Sutherland* v. *Stopes* was one of the leading authorities on the question under discussion, namely, the exact legal position of various institutions which exist for the furtherance of birth control. In fact, it is nothing of the kind, but it is the leading authority on the question of what is known as "the rolled up plea," in which a defendant in a libel action pleads that "in so far as the words complained of consisted of allegations of fact they were true in substance and in fact and in so far as they consisted of expressions of opinion they were fair comments made in good faith and without malice upon matters of public interest."

From the citation of the case referred to above as "*Sutherland* v. *Stopes*," it might have been thought that it was an action by Dr. Sutherland against Dr. Marie Stopes, but such was not the fact as it was Dr. Stopes who was the plaintiff, the alteration in the order of their respective names in the report of the case in the House of Lords being due to the fact that the main appeal was carried to that House by Dr. Sutherland, who had been unsuccessful in the Court of Appeal.

The article is also curious because having opened by laying so much stress upon certain dicta, the writer proceeded to point out that mere dicta are not sufficient for the practical lawyer, and finally, he warns lawyers that care should be taken that a wrong emphasis is not placed on certain dicta such as the one which he himself had quoted.

The writer of the article quite properly pointed out that when the question of the validity of bequests to institutions such as those which advocate matters relating to birth control has to be considered by the courts, much will doubtless depend upon the exact nature of each institution, the work which it carries on, the type of persons it treats, and the patronage it receives.

If, and when, it becomes necessary for the courts to consider a bequest to the Society for Constructive Birth Control and Racial Progress, with which the name of Dr. Marie Stopes is so closely connected, the courts will no doubt take into consideration not only the dicta of the former Lord Chancellor, Viscount Finlay, but they will also take into account the fact that for many years before, and up to the date of his death, another distinguished former Lord Chancellor, Lord Buckmaster, was not only a staunch supporter of the Society, but was one of its vice-presidents. Equally, it is contemplated that the courts will take into consideration the fact that the work of the Society is to a large extent carried on for the purpose of assisting those who are unable to obtain the information and advice on questions relating to birth control which are available for those more favourably placed from the financial point of view. With regard to the question of patronage, it would not be proper in an article of this nature to refer by name to those distinguished members of society who are supporters of the Society for Constructive Birth Control and Racial Progress, but anyone who takes the trouble to make enquiry will see from the list of its vice-presidents that it has no lack of distinguished patrons.

No doubt solicitors who are advising clients on this subject, and who refer for that purpose to the case of *Sutherland* v. *Stopes*, will not limit their time to a consideration of the opinion of Viscount Finlay, but will also consider the opinions of the other noble Lords, and in particular that of Lord Wrenbury.

Company Law and Practice.

Dividends and Sur-tax.

THE payment of dividends, and the funds out of which dividends are payable, are matters of fairly general interest: the subject is one of much technicality and a good deal of difficulty, difficulty which arises largely by reason of the necessity of determining what is capital and what is not capital. Dividends can (except to the very limited extent provided for by s. 54 of the Companies Act, 1929) only be paid out of profits, or, perhaps, more accurately, must not be paid out of capital, hence the necessity of determining what is capital and what is not. A payment of a dividend out of capital would be a reduction of capital in a manner not authorised by the Acts, and, therefore, *ultra vires* (*Trevor* v. *Whitworth*, 12 A.C. 409).

The question as to whether a fund proposed to be employed in paying a dividend represents capital or not, is one of considerable importance to the directors, apart from any interest they may have therein as shareholders in the company and therefore entitled to participate in the dividend, because they may well be made liable personally for dividends paid out of capital, though a shareholder who is *in pari delictu* with the directors in the sense that, knowing the relevant facts, he receives a dividend paid out of capital, cannot himself bring an action against the directors, at any rate, not without first of all giving up the improperly paid dividend which is retained by him (see *Towers* v. *African Tug Co.* [1904] 1 Ch. 558).

I have indicated that directors responsible for the payment of a dividend out of capital may be personally liable therefor—but it by no means follows that in every case they will be so liable. Each case must be decided on its own facts and its own merits, or demerits: and the *National Bank of Wales Case* (in the House of Lords reported *sub. nom.*, *Dovey* v. *Cory* [1901] A.C. 477) shows that directors are entitled to rely on the advice tendered to them by responsible officials of the company whom the directors believe to be trustworthy. The courts would not be inclined to view too unfavourably the conduct of directors who act honestly and reasonably in a matter of this kind; indeed, the court has now had conferred upon it a dispensing power with regard to directors similar to that to be found in the Trustee Act, 1925 (see Companies Act, 1929, s. 372, and cf. Trustee Act, 1925, s. 61).

The interim dividend is probably the one where directors are more inclined to take a leap in the dark; it is quite common for the directors to be empowered to pay interim dividends, as, for instance, by Art. 90 of Table A. This power is very frequently exercised—the result being that dividends are often paid half-yearly. In the case of at least one very large company, whose stock is extensively dealt with on the Stock Exchange, dividends on the ordinary stock are habitually paid quarterly: a practice which it is believed finds favour with the investing public. It is probable that in cases of this kind accounts are got out which are as accurate as is possible—but one feels that there may be many cases of the smaller companies where interim dividends are declared on figures of the distinctly approximate kind. However, it is no doubt beneficial that interim dividends should be declared, and one can only say, in a very general way, that so far as interim dividends are concerned, directors ought to act prudently and as reasonable men of business; if they do so, the risk they run of personal liability in respect of a payment of dividend out of capital is small.

Occasionally one finds (though less frequently than of yore) an article to the effect that dividends shall only be paid out of profits arising from the business of the company. There may be in practice a substantial difference between an article in this form and the more usual form (cf. cl. 91 of Table A) that a dividend shall not be paid otherwise than out of profits. The former type of article prohibits the distribution of a capital profit, while the latter does not. And here we may pause for a moment to refer to the question of capital profits, a subject which was dealt with in greater detail in this column in the issue for the 23rd February, 1935.

The decision in *Lubbock* v. *The British Bank of South America* [1892] 2 Ch. 198, shows that in a proper case a realised capital profit may be distributed by way of dividend; experience shows that what many people desire to do is to distribute in such a way an unrealised capital profit, and that they evince the liveliest dissatisfaction when advised that such a distribution cannot properly be made. Let us take an illustration to make the point clear. If a company carries on two separate businesses and sells one at a profit, i.e., so that its capital is left absolutely intact and it is left with a surplus, that surplus represents a capital profit; but suppose a company works up a business from nothing and then wants to insert in its books a large figure for goodwill and distribute the sum so created, that cannot be done.

This must not be confused with a case such as *Stapley* v. *Read Brothers Ltd.* [1924] 2 Ch. 1. In *Stapley* v. *Read Bros.* the company had had in its books a substantial item for goodwill, which item had, over a period of years, been written down out of profits available for dividend. Then it was decided to write the goodwill item up to its proper amount and to carry the appreciation to the profit and loss account, and utilise it in paying a dividend. It was sought to restrain this method, but Russell, J., as he then was, declined to interfere, there being nothing to suggest that, in utilising the profits to write down goodwill, the intention had been irrevocably to capitalise those profits. This is, of course, totally different from writing up a goodwill item from nothing, and seeking to distribute the resulting appreciation.

Now, you may say that the distribution of a realised capital profit sounds very satisfactory in the abstract, but is it likely to appeal to the practical man? If a dividend is paid out of such a profit (and such a dividend may be ,and in practice frequently is, of a large amount) will not that dividend in the hands of the recipient, the shareholder, attract sur-tax? If it does, it may well be cheaper to put the company in liquidation and distribute the surplus assets that way, though another way would be to capitalise the profits and use the profits so capitalised in paying up redeemable debentures, which could, in due course, be redeemed: see *Commissioners of Inland Revenue* v. *Fisher's Executors* [1926] A.C. 395; *Commissioners of Inland Revenue* v. *Whitmore*, 10 Tax Cases, 645.

In fact, neither of these solutions is necessary: it is perfectly possible to go ahead in safety and distribute your capital profit without it attracting sur-tax in the hands of the recipient. The company will not, of course, have paid any income tax thereon, and will accordingly not make any deduction for income tax; the recipient will take it free from both income and sur-tax. If authority for this is needed one may refer to the case of *Neumann* v. *Commissioners of Inland Revenue* [1934] A.C. 215. That was a case which arose out of the *Salisbury House Estate Ltd.* decision, and as I do not wish to get here involved in the intricacies of the income tax laws, I will refrain from commenting on it, and will content myself with a quotation from the speech of Lord Tomlin, at pp. 228, 229. The learned lord says this: "Now I may say at once that . . . I am unable to accept the view that dividends as such are taxable under Schedule D. I do not think they are. I think it is accurate to say as Rowlatt, J., said in *Purdie* v. *The King* [1914] 3 K.B. 112, 116) 'There is, strictly speaking, no tax upon dividends at all.' They are, however, under s. 20 of the General Rules and s. 39 of the Finance Act, 1927, and apart altogether from s. 7 of the Finance Act, 1931, liable, where the dividends are made out of profits or gains charged on the company, to suffer deduction of a sum equal to tax at the standard rate on the gross amount of the dividends, and in such cases the gross amount of the dividend is the income tax income to be taken into account whether it be for computing the amount of tax which the share holder is entitled to have returned or for fixing his liability to sur-tax. It is not disputed that if a dividend is paid out of the profits produced by a sale of a capital asset it is not made out of profits or gains charged on the company, and therefore no deduction from the dividend is authorised and the dividend itself is not liable to be taken into account in fixing the liability to surtax of the shareholder."

It is clear from what Lord Tomlin said there that one can properly distribute a realised capital profit without it attracting sur-tax in the hands of the recipient; in such a case the resolution declaring the dividend will require to be carefully framed.

A Conveyancer's Diary.

Interest on Purchase Money where Delay in Completion.

THERE is an interesting and important practical point arising upon the construction of the provision regarding payment of interest contained in The Law Society's Conditions of Sale with which I have been asked to deal.

Clause (1) of Condition 7 provides that "if from any cause whatever (save as hereinafter mentioned) the completion of the purchase is delayed beyond the date fixed for completion, the purchase money, or where a deposit is paid, the balance thereof, shall bear interest at the rate of £5 per cent. per annum from the date fixed for completion to the day of actual completion thereof."

Clause (2) provides that where the delay in completion arises from any other cause than the purchaser's own act or default, the purchaser may deposit the purchase money at a bank and give notice to the vendor of having done so, and that in that case the vendor shall (unless and until further delay in completion shall arise from the purchaser's own act or default) be bound to accept interest allowed on the deposit in lieu of the interest payable under the condition.

Then there is cl. (3), under which the particular difficulty to which I have referred arises. The clause reads:—

"(3) No interest shall become payable by a purchaser if and so long as delay in completion is attributable to—

(*a*) default by the vendor in deducing title in accordance with the contract, or in giving an authority to inspect

the register kept under the Land Registration Act, 1925, or in conveying; or

(*b*) any other act or default of the vendor or his Settled Land Act trustees."

I have quoted from the 1934 edition of the Conditions. In the earlier editions the words "and so long as" did not appear in the first line of cl. (3), so that the clause commenced: "No interest shall become payable by a purchaser if delay in completion is attributable to."

It seems to have been contended that the clause, as it stood in the earlier editions, might mean that if there was any delay at all attributable to default of the vendor then the purchaser was not obliged to pay any interest, although there might also be delay for which the purchaser was responsible. That appears to have been the reason for introducing the words "and so long as" in the 1934 edition. At any rate, without those words the clause does not appear to deal with a case where there were faults on both sides.

The question now is, what is the true construction of the clause as amended.

It seems to me that the words "and so long as" import that for the period during which there is delay attributable to the default of the vendor, interest shall not run against the purchaser. That would be only fair, but it may be difficult to apply the clause in practice.

Suppose, for example, that the vendor is in default in various ways.

Say that the vendor takes fourteen days instead of ten to deliver the abstract (see Condition 8 (1)), and is four days in default. Then he takes three weeks to answer requisitions, and so is, say, fourteen days in default for that, and again takes three weeks in approving the draft conveyance, and in that respect is, say, fourteen days in default. That would make the vendor altogether thirty-two days in default. I take it that in such a case the vendor would not be entitled to interest for thirty-two of the days which elapsed between the day fixed for completion and actual completion. It would seem also that if the vendor had elected, under Condition 7 (4), to take the rents and profits in lieu of interest he would not be entitled to such rents and profits for those thirty-two days. In this latter event there might be a difficulty, because the rents and profits might not be the same throughout the whole period between the day fixed for completion and actual completion. I think, however, that the delay in completion must be in respect of the last thirty-two days, and it would be the rents and profits accruing during those last days which the vendor could not claim.

Whilst the construction which I suggest is doubtless what was intended and eminently reasonable and just, it will be difficult to work in practice.

The parties would inevitably have (or at any rate advance) different views as to what constituted delay at the various stages of the matter, and there are no recognised rules to guide them. How long, for instance, may a vendor (without default) reasonably take to reply to requisitions? A great deal with depend upon the nature of the title and of the requisitions. Perhaps seven days will be long enough in some cases, but twenty-one not too long in others. The same question will arise with regard to production of deeds, approving the conveyance, obtaining statutory declarations, and other things necessary to be done. And to whom will be attributable the delay caused by the parties wrangling about the question of how much of the delay theretofore has been the fault of the one and how much of the other?

It seems impossible to lay down any sort of general rule on the matter of what constitutes such delay as to make a party in default, and I do not suppose that the court would attempt to do so.

I cannot help thinking, however, that not infrequently a purchaser pays more interest than he need.

Missing Deeds.

Some correspondence which is before me deals with a matter which I am told has long since been settled, but it is sent to me as it is suggested that the questions raised may be of general interest.

What must a vendor do when he is for some reason not able to produce all the documents of title? Especially when he is not able to show that the documents have been destroyed by fire or otherwise.

I have dealt with this subject before, but I may refer to it again shortly.

The obligation of the vendor is to show, if he can, that the document has been destroyed or lost.

It sometimes happens that actual destruction can be proved. I had a case before me not long ago where destruction could be proved by the production of charred remains of deeds which had not been totally destroyed, and, although undecipherable, could be identified. The loss of documents is, however, of much more frequent occurrence.

I think I may sum up the duty of a vendor as being that he must prove the loss or destruction by evidence which renders it reasonably certain that they have been lost or destroyed. Then he must prove the contents of the documents by such secondary evidence as establishes such contents with reasonable certainty. And he must also prove that the deeds were executed, if not by absolute direct evidence, at least by such evidence as makes it reasonably certain that they were executed.

Cases which may be referred to are *Moulton* v. *Edmonds* (1859), 1 De. G. F. & J. 246; *Bryant* v. *Busk* (1827), 4 Russ. 1; and *In re Halifax Commercial Banking Co. Ltd. and Wood* (1898), 79 L.T. 536.

In the last-named case, speaking of the evidence generally required upon these points, it was said that the evidence should be the best obtainable and "ought to be clear and cogent so that the purchaser may maintain his title against all those who may attack him when he is in possession and so that he may pass on the title in the ordinary way in the market to a purchaser or a mortgagee."

Recitals of missing deeds or an examined abstract may be good secondary evidence of the contents. Entries in the books of a solicitor showing that the execution of a deed was obtained by him and a charge made for it, may be accepted as evidence of due execution. Copies or completed drafts in the keeping of the solicitor acting for one of the parties may also be used for the purpose.

It must be remembered that in all cases there should be some evidence of all the matters I have mentioned and that, generally speaking, a purchaser will be entitled to an indemnity against any loss which may arise should the missing deed be afterwards found and there should be some equity which the holder of it could set up against the purchaser.

Landlord and Tenant Notebook.

Bankruptcy of Distrainee.

THE position that arises when a landlord seeks to levy distress after a tenant's bankruptcy has given rise to a mass of decisions interpreting the law. Less has been heard of what happens when bankruptcy follows distress, and at first sight only one provision of the Bankruptcy Act, 1914, appears to affect the matter.

Section 33 (4) provides: "In the event of a landlord or other person distraining or having distrained on any goods or effects of a bankrupt within three months next before the date of the receiving order, the debts to which priority is given by this section shall be a first charge on the goods or effects so distrained on, or the proceeds of the sale thereof:

"Provided that in respect of any money paid under such charge the landlord or other person shall have the same rights

of priority as the person to whom such payment is made."

This looks as if it were the only provision which modifies the right of a distrainor levying before bankruptcy. So if, in the case of a distress for rent, no receiving order is made against the tenant for three months, the landlord is apparently not affected; if an order is made within that period, he may have to disgorge in favour of the various persons described in sub-s. (1) of the same section, that is collectors of rates and taxes, employees, injured workmen, etc.

In the absence of such preferred creditors, it seems not to matter to a landlord how soon the receiving order is made. As far as the sub-section cited is concerned, a somewhat dramatic situation may arise when seizure by landlord or bailiff is followed, say while the goods are yet impounded on the premises, by a receiving order which, by virtue of the Bankruptcy Act, 1914, s. 7, puts the bankrupt tenant's property in the hands of the official receiver or a manager appointed by him, and renders interference a contempt of court.

The position at this stage is as follows: the landlord has completed his distress by seizure, but is not owner of the goods distrained, nor has he even possession of them; he cannot sue for their conversion, as was held in *Iredale* v. *Kendall* (1878), 40 L. T. 362. But neither does the receiving order transfer the property in the goods to the official receiver (see *Rhodes* v. *Dawson* (1886), 16 Q.B.D. 548), and, whatever his functions be, any attempt to remove them would constitute poundbreach (if the distress be impounded, as assumed) or rescous (if seized but not yet impounded).

So the landlord may proceed to sell, and when in the fulness of time an adjudication order is made, vesting the tenant's property in a trustee in bankruptcy for distribution, what was seized is apparently not available.

Thus, so far as the reference to the matter in sub-s. (4) is concerned, the position looks very simple; but in actual practice it will be rare if complications do not ensue, by reason of the operation of sub-s. (1) which limits the right of distress, if the levy be made after the *commencement* of the bankruptcy, to six months' arrears *accrued due* before the date of *adjudication*, and takes away the right as regards rent payable in respect of a period after the distress. For the commencement of the bankruptcy is not the receiving order, but the act of bankruptcy which brought that order about, or the first act of bankruptcy committed within the preceding three months: s. 37.

Acts of bankruptcy are many and various; perhaps the commonest is non-compliance with a bankruptcy notice, and in the following example I will assume that such is the ground relied upon.

Assume, then, that a tenant, whose rent is payable quarterly in advance, is served with a bankruptcy notice on the 28th September; that on the 1st October his landlord distrains for three quarters' rent not paid, and the distress yields eight months' rent; that on the 5th October, the tenant-debtor, not having complied with the bankruptcy notice, a petition is presented against him; that on the 30th October a receiving order is made; that on the 15th November he is adjudicated bankrupt; that there are no debts enjoying priority.

The landlord is not assisted by s. 33 (4), though he has distrained before the date of the receiving order; what now matters is whether he has distrained before the act of bankruptcy. He has not, so he must share, with other creditors, an amount representing rent from 25th March–15th May, plus an amount representing rent from 1st October–15th November.

There is one minor point worth noting in connection with this question, namely that the diet prescribed for a distraining landlord differs from that of a trustee in bankruptcy. Thus, fixtures are not distrainable, but may be removed and sold by a trustee in bankruptcy; on the other hand, the property of third parties, in which the trustee acquires (except when the doctrine of reputed ownership applies) no interest, may be the subject-matter of a distress.

Our County Court Letter.

THE REMUNERATION OF SOLICITORS.

The above subject has been considered in two recent cases. In *Lewis* v. *Vickery* at Barry County Court, the claim was for £25 16s. 8d., in respect of professional services, viz., conducting a rating appeal to quarter sessions against the assessment of the premises of Bindles (Barry) Limited. The plaintiff's case was that he had received personal instructions from the defendant, who was a director and debenture-holder of the company, and had stated that he would be responsible for the costs. The rateable value was reduced from £455 to £228, but the defence was that the defendant had never instructed the plaintiff personally, and the first application for payment was in fact made to the company. It was submitted that this showed that the plaintiff was really acting for the company, but the explanation was that the defendant expressly asked the plaintiff to apply to the company for the money, in order to reduce the plaintiff's losses in the company. His Honour Judge Thomas gave judgment for the plaintiff, with costs.

In *Stokes* v. *Newill*, at Shrewsbury County Court, the claim was for £64 as damages for negligence, viz., failing to deliver requisitions on title. The plaintiff's case was that he had bought two cottages, and some land, which he had sold to a purchaser. The latter was unable to obtain possession, and had sued the present plaintiff, who incurred costs amounting to £42 in his unsuccessful defence. The balance of £20 (now claimed) represented the inconvenience caused to the plaintiff. The defendant's case was that he was instructed on the 18th March, 1931, when completion was already fixed for the 25th March, 1931. The plaintiff had known the land for thirty-five years, and, owing to the short time allowed before completion, it was not possible to deliver requisitions on title. His Honour Judge Samuel, K.C., remarked that, in spite of his earlier decision, viz., that the disputed land was not the property of the plaintiff, the latter had purported to sell it. The plaintiff had therefore not been damnified by the negligence (if any) of the defendant. It was held that the defendant, being instructed to expedite the purchase, had explained to the plaintiff that there was no time to deliver the usual requisitions. Judgment was therefore given for the defendant, with costs.

THE RESTRICTIVE COVENANTS OF TRAVELLERS.

In *Joseph H. Riley Limited* v. *Fryer*, recently heard at Birmingham County Court, the claim was for damages and an injunction to restrain the defendant from directly or indirectly carrying on or being associated in any capacity with any pianoforte, gramophone, musical instrument or music business within 10 miles of Birmingham Town Hall. The plaintiffs' case was that the defendant had entered into the above agreement on the 16th October, 1926, and, by virtue of his occupation as traveller, he had become personally acquainted with a large number of the plaintiffs' customers, from whom he intended to solicit orders. The defendant's case was that in May, 1935, he was given a week's notice, with an offer of re-engagement at a lower salary. As this was a breach of the agreement of 1926, he was entitled to obtain a situation anywhere, and had joined another firm in Birmingham. Without deliberately seeking to do business among the plaintiffs' connection, he recognised about ten of his new customers as having once been customers of the plaintiffs. It was submitted that the restriction was too wide to be enforceable, and was too ambiguous and vague, *e.g.*, the defendant would not even be entitled to drive a lorry for his new employers, nor could he be a shareholder in a company within the above radius. His Honour Judge Dyer, K.C., held that the covenant went so far as to prevent the servant's competition and was far too wide. Judgment was therefore given for the defendant, with costs.

RECENT DECISIONS UNDER THE WORKMEN'S COMPENSATION ACTS.

ARTERIO-SCLEROSIS AND INCAPACITY.

In *Jarvis* v. *West Cannock Colliery Co., Ltd.*, at Walsall County Court, an award was claimed for partial incapacity. The applicant's case was that, having worked thirty years for the respondents, he slipped on a jig rope in April, 1931, and fractured both bones of his right leg. Compensation was paid at the rate of £1 12s. 11d. until November, 1931, and then at the rate of 12s. 5d. until December, 1933. The applicant then returned to work, but could only earn £1 7s. 6d. a week, as against his pre-accident earnings of £2 1s. 7d. Having since been discharged, he claimed an award of 7s. 9d. a week for partial incapacity. The respondents' case was that, although the applicant had some shortening of the leg, he had actually worked as a stallman from March to December, 1934. He was then dismissed for using a short prop, supported by a stone, which was a breach of the coal mines regulations. The applicant's medical evidence was that he had to wear a surgical boot, which would cause stumbling over rough ground, and would necessitate rest after continuous work. The respondents' medical evidence was that the cause of the trouble was arterio-sclerosis, which was an old-age change, and not due to the accident. His Honour Judge Tebbs held that the disease had more to do with the applicant's condition than the shortening of the leg. There was no reason why he should not work four shifts a week, but (in view of his partial incapacity) he was entitled to an award of 2s. a week from the 8th January, 1935, with costs.

"ODD LOT" OR MALINGERER?

In *Arnold* v. *National Smelting Co. Ltd.* at Bristol County Court, the applicant had been working as a labourer in February 1934. While straightening a hose-pipe, across a rhine, he had slipped and twisted a leg. Compensation was paid, at £1 5s. 2d. a week, and the applicant (having had an operation) returned to light work. In August, 1934, while he was unloading coal from a truck, a support gave way, and the applicant was thrown to the ground. Compensation was again paid at £1 4s. 10d. a week, and the applicant's case was that he was an "odd lot" in the labour market, as he was unable to do the work of a general labourer. Medical evidence was given, for the applicant, that he could not fake the movements of his knee. The respondents' medical evidence was that the knee was sound, but the applicant (being able to play tricks with it) was malingering. His Honour Judge Parsons, K.C., sitting with a medical assessor, held that there was no incapacity as a result of the accidents. Judgment was therefore given for the respondents, with costs.

HEART ATTACK NOT AN ACCIDENT.

In *Burns* v. *Harton Coal Co. Ltd.*, at South Shields County Court, the claim was for £425 8s. in respect of the death of the applicant's late husband. The latter had lost the sight of his right eye in 1921, and had afterwards worked at Boldon Colliery. The pit had been idle for the last seven months of 1934, but the applicant had joined in the general resumption of work on the 14th January, 1935. He then worked at a place where the floor was uneven, one hole being 18 inches deep. The deceased, while warning his brother of this, had also complained of pains in the stomach, and had collapsed and died shortly after leaving work. The applicant's medical evidence was that the death was due to heart failure, accelerated by an attack of gall stones, brought on by the heavy work. The respondents' medical evidence was that the condition of the deceased's heart was such that he might have died at any moment. His Honour Judge Thesiger held that the work had not contributed to the death, which was caused by disease only. Judgment was therefore given for the respondents, with costs.

Land and Estate Topics.

By J. A. MORAN.

In consequence of a prolongation of the summer holiday, very little business was attempted in the auction marts during the early part of last month. It was not until three weeks ago that the market got busy; and, just now, there is every prospect of a good autumn season. Holders of ground rents do not appear anxious to release their holdings, and shop sites and premises are not much in evidence; what appears to matter at the moment is the building site not far removed from an industrial centre.

Just now, when people are beginning to get tired of the villa residence that was erected in a hurry soon after the War, there is a very general disposition to cast a covetous eye on the more substantial residence; this may cost more, but the money spent on repairs and maintenance will be considerably less than the annual payments associated with the upkeep of the tinselled habitations that can be had for a few guineas down and about 10s. weekly afterwards. No wonder, therefore, that building sites loom largely in the auction programmes of the next few weeks.

The College of Estate Management excelled itself in the result that attended its preparation of students for the recent Examinations of the Auctioneers and Estate Agents Institute. The College gained all the medals and prizes awarded, and nothing more need be said than to congratulate Mr. Adkin and his staff.

Not long ago much interest was centred in the offer at auction of what appeared to be a very nice residential property in Scotland, at the purely nominal upset price of 20s. In spite of what appeared to be a very keen anxiety to get rid of the habitation, bidding, for a while, was brisk, and eventually the hammer fell to an offer of £420. Since then it has transpired that the purchaser cannot find a buyer or a tenant; and when he appealed against a valuation of £168 on the premises, he made no impression on the rating authority. Which looks as if he has taken unto himself something in the nature of a "white elephant."

An enterprising woman, so I am told, has approached house agents all over the country with a scheme for bringing houses to clients instead of coaxing clients to houses. What she proposes to do is to substitute films for the usual descriptions and particulars, but whether she is wise in her generation or not time alone will tell. So far as I am concerned I would prefer a personal inspection to "movie" pictures that dominated every portion of a house from the attic to the scullery.

Mr. and Mrs. A. W. Shelton, of Lenton-avenue, The Park, Nottingham, have just celebrated their golden wedding.

Mr. Shelton is widely known as an estate agent with an extensive business, founded as far back as 1893. He was a pioneer of housing reform in Nottingham, and was largely instrumental in the development of new cottage building areas. In 1930 he followed the late Sir Edwin Evans in the presidential chair of the National Federation of Property Owners.

The Public Assistance Institution—the "Workhouse" of former days—at Faringdon, is offered for sale by the Berkshire County Council. Even the inventive mind of the amateur journalist can hardly associate this place with "historical associations."

It has been suggested that if a complete programme of slum clearance be carried out, four million houses will ultimately come under consideration either for total demolition or radical re-conditioning and the control of their inhabitants—an unprecedented upheaval of population. Where these schemes are nearing completion, there must be a great turnover of operatives to other tasks. And the experience of the Land Settlement Association in Bedford indicates that this can be done. Miners from the North are settling down to the cultivation of land, with zeal and success.

Patcham Mill, the well-known landmark on the South Downs, near Brighton, has been acquired for residential purposes. A similar experiment has been tried in other counties, and in nearly every instance it proved successful.

Reviews.

The Law and Custom of the Constitution. By Sir WILLIAM R. ANSON, Bart., D.C.L., of the Inner Temple, Barrister-at-Law, Warden of All Souls College, Oxford. Vol. II. The Crown. Fourth Edition. 1935. By A. BERRIEDALE KEITH, D.C.L., D.Litt., of the Inner Temple, Barrister-at-Law, Advocate of the Scottish Bar. Demy 8vo. Part I. pp. xxxi and 325. Part II. pp. xv and (with Index) 414. London and Oxford: Humphrey Milford, Oxford University Press. 30s. net.

Recent years have given us numerous works on the English Constitution, many of them of great merit, but none of these has treated the subject in all its aspects quite in the same way as Sir William Anson (1843-1914), who was Warden of All Souls for thirty-three years and who, as was said of him, was "one of the band of pioneers who by their own personal teaching and by their admirable text-books dealt a mortal blow to the superstition that English law cannot be taught." After bringing out, in 1879, his classic on the "Law of Contract," a work which has since reached no fewer than sixteen editions, has been translated into German, and has been adapted for American use, he devoted much of his time to a prolonged and exhaustive treatment of the "Law and Custom of the Constitution," Pt. I of which, dealing with Parliament, he brought out in 1886, and Pt. II, dealing with the Crown, in 1892. Both have since been reissued from time to time, but Pt. II, which is embraced in the two volumes now under review and which previously appeared as long ago as 1907, has required extensive revision and additions in view of the changes that have taken place during the intervening twenty-eight years, and this duty has been carried out under the competent editorship of Professor Berriedale Keith, who has long made a study of constitutional questions, and quite recently edited the fifth edition of "Ridges' Constitutional Law of England," noticed in these columns last year. While other writers have treated the subject by expounding the working of the governmental machine as we find it to-day, Anson dealt with it on historical lines, tracing the rise of each branch from early times, in this way showing how each part came to take its present form. Thus, we have an elaborate and extremely interesting account of the prerogative and the story of the gradual evolution of the Cabinet, its collective responsibility, the relationship of the whole, of the Prime Minister, the Crown, and the House of Commons. To the statement in the text that "a man becomes Prime Minister by kissing the King's hands and accepting the commission to form a ministry," we find added in a footnote that "the appointment ought to be made in the United Kingdom; Mr. Asquith's appointment in Biarritz was a constitutional anomaly"; such sticklers are we still in the matter of etiquette. On kindred points that have emerged in recent years, Professor Berriedale Keith has drawn upon such works as Lee's "King Edward VII," Sir Almeric Fitzroy's Memoirs, Gardiner's "Sir William Harcourt," Lord Oxford and Asquith's "Fifty Years of Parliament," and similar publications. It is noted that "the passing over of Lord Curzon in 1923 in favour of Mr. Baldwin probably makes a constitutional convention excluding a peer from being Prime Minister." In later chapters the growth of the various departments of Government is traced and due note taken of the creation and functions of those newer departments which have come into being either as a result of the war or to meet the modern requirements of the nation. Lawyers will find a concise description of the courts as they have developed from earliest days. We observe that in treating of the Court of Criminal Appeal it is stated that it "is not bound by a dissent of the Court of Appeal in a civil case." This perhaps is stated too categorically: but it seems to represent the present attitude of the Court of Criminal Appeal on the point. As indicating how the work has been brought up to date it may be added that the two recent decisions affecting the right of appeal to the Privy Council from the Irish Free State and the Dominion of Canada respectively are noted, although, owing to the exigencies of publication, the full reports were not available. We have noted one or two small slips. On p. 330 of vol. II it is stated that in *Allen* v. *Flood* the Lords Justices were summoned to attend at the hearing of the appeal in the House of Lords. This is an error: the judges who were summoned were all puisnes: again, on p. 355 of the same volume the printer has given the Prime Minister place and "precedure" next after the Archbishop of York; but it is surprising that in a work of this size, involving so much research, we can only point to such trifling slips as these. In Professor Berriedale Keith's hands the work has acquired a fresh value for students and publicists, and he is to be heartily congratulated on the completion of his arduous task.

Books Received.

A Digest and Index of the Official Reports of Tax Cases. By Sir EDWARD R. HARRISON, LL.B., of the Middle Temple, Barrister-at-Law, and formerly of the Inland Revenue Department, Somerset House. Fifth Edition. 1935. Royal 8vo. pp. xlix and 1,265. London: H.M. Stationery Office. £1 17s. 6d. net, postage extra.

Handbook of Election-law for Candidates and Election Agents. By ROBERT J. HOLLAND, of the Inner Temple, Barrister-at-Law. 1935. Crown 8vo. pp. x and (with Index) 91. London: Sir Isaac Pitman & Sons, Limited. 2s. 6d. net.

Mentality and the Criminal Law. By O. C. M. DAVIS, M.D., D.Sc., Head of Department of Forensic Medicine in the University of Bristol, and of the Middle Temple, Barrister-at-Law, and F. A. WILSHIRE, of the Middle Temple, Barrister-at-Law. 1935. Crown 8vo. pp. (with Index) 168. Bristol: John Wright & Sons, Limited. London: Simpkin, Marshall, Limited. 5s. net.

Guide to the Income Tax Acts (incorporating the 1935 *Finance Act).* By P. SETH-SMITH, A.C.A. 1935. Royal 8vo. pp. xvi and (with Index) 254. London: Arthur Barker, Limited. 10s. net.

The Law of Housing. By W. IVOR JENNINGS, M.A., LL.D., of Gray's Inn, Barrister-at-Law, Reader in English Law in the University of London. With a Chapter on Housing Finance and Accounts and Financial Notes by FRANK E. PRICE. 1935. Royal 8vo. pp. xl and (with Index) 654. London: Charles Knight & Co., Limited. 35s. net.

Income Tax Law and Practice. By CECIL A. NEWPORT, F.C.R.A., and RONALD STAPLES, F.S.S. Eighth Edition. 1935. Demy 8vo. pp. xxxiv and (with Index) 360. London: Sweet & Maxwell, Ltd. 10s. 6d net.

Gibson's Probate and Divorce. Twelfth Edition, 1935. By ARTHUR WELDON, Solicitor, H. GIBSON RIVINGTON, M.A. Oxon., and L. CRISPIN WARMINGTON, Solicitor. Royal 8vo. pp. xcviii and (with Index) 352. London: The "Law Notes" Publishing Offices. £1 1s. net.

The Law of Stamp Duties. By E. N. ALPE, of the Solicitors' Department, Inland Revenue, Barrister-at-Law. Twenty-second Edition. 1935. By A. L. GOODMAN, of the Inland Revenue Department, Barrister-at-Law, and STANLEY BORRIE, Solicitor. Demy 8vo. pp. xxxix and (with Index) 415. London: Jordan & Sons, Ltd. 15s. net.

[All books acknowledged or reviewed can be obtained through The Solicitors' Law Stationery Society, Limited, London, Liverpool and Birmingham.]

To-day and Yesterday.

LEGAL CALENDAR.

7 OCTOBER.—Considerable scandal was caused by a case heard at the Ridgway Petty Sessions on the 7th October, 1831, when The Rt. Hon. Sir E. Thornton, K.C.B., late Minister at Lisbon, and Lady Thornton were summoned to answer the complaint of their fifteen-year-old son for unlawfully and cruelly beating him. From evidence, it appeared that they had employed him in menial tasks about the house and brutally beaten him when they were not satisfied, and though their counsel contended that "more fond and tender parents did not exist," the magistrates unanimously fined Lady Thornton £5 and her husband £1.

8 OCTOBER.—One hardly expects an insurance case to draw large crowds to court and inspire enthusiastic applause, but *Drew* v. *The London Imperial Fire Co.*, on the 8th October, 1818, did both. The reason was plain. The case was tried in Glasgow; the plaintiff was a Scot; the company was English and had acted very unhandsomely. Henry Cockburn's speech denouncing it was loudly applauded, and after Lord Gillies had summed up in favour of the plaintiff and the jury without hesitation had found accordingly, there were great acclamations.

9 OCTOBER.—On the 9th October, 1660, at Hick's Hall in Middlesex, the trial of the Regicides began. The Lord Chief Baron told the Grand Jury: "Because this commission is upon a special occasion, the execrable murder of the blessed King that is now a saint in heaven, King Charles I, we shall not trouble you with the heads of a long charge." He denounced in vivid language the arbitrary acts of the minority of the Commons in setting up a Court to sentence their sovereign. "No story that ever was, I do not think any romance, any fabulous tragedy can produce the like." Thirty-two Cromwellians were indicted and the Grand Jury found True Bill against all.

10 OCTOBER.—Thomas Plumer, descended from an old Yorkshire family, was born on the 10th October, 1753. He became Master of the Rolls.

11 OCTOBER.—The Dukes of Norfolk have some legal blood in their veins, for one of their ancestors was a lawyer. Sir William Howard was appointed a Justice of the Common Pleas by Edward I on the 11th October, 1297. He retained his place till 1308. He had already had some judicial experience, having been selected as one of the eight special justices assigned to take assizes throughout the realm in aid of the judges of both benches and the justices itinerant. Some time after his death his figure was inserted in the stained glass windows of the church at Long Melford.

12 OCTOBER.—After a brief illness, Lord Lyndhurst passed gently and tranquilly away on the 12th October, 1863, at 25, George-street, Hanover-square, the house which had been his father's. He was then in his ninety-second year. Three times in his long life he had been Lord Chancellor, ranking with the greatest of his predecessors. Seventeen years had elapsed since the end of his final Chancellorship, but during that time his voice had constantly been heard in the House of Lords and his personality, still retaining something of the buoyancy of youth, had great influence.

13 OCTOBER.—On the 13th October, 1772, we read that: "Several workmen were this day employed at the Old Bailey in making a new ventilator and other necessary precautions to prevent the effect of any malignant distemper at the ensuing sessions, several persons having died who attended the last sessions. Among other precautions, a contrivance is made by a pipe to carry the fumes of vinegar into the sessions house while the court is sitting."

THE WEEK'S PERSONALITY.

Even as an undergraduate at Oxford, young Thomas Plumer's laborious devotion to work excited the wonder of his fellow students. One of them in a letter described him as "ardent, indefatigable in his studies; no difficulties can discourage him, no pleasures allure him, but on he toils with unwearied application and must, I think, reach the summit of human science if the great teacher Death does not interrupt his progress which seems likely from his consumptive appearance." That was in 1775, when he was twenty-two. Thirty-eight years later, having carried the honours of Solicitor-General and Attorney-General, he became the first Vice-Chancellor of England, but though a deep-read lawyer, he was an extraordinarily unsuccessful judge. Both in his first judicial appointment and subsequently as Master of the Rolls, he caused the gravest dissatisfaction by a prolixity which completely nullified the best intentions in the world and the most anxious desire to do justice. Equity suitors were unfortunate at that time, for the Lord Chancellor Eldon was always full of doubts and reserved judgment sometimes for years. It was said:—

"To cause delay in Lincoln's Inn
Two diff'rent methods tend.
His lordship's judgments ne'er begin
His honour's never end."

NEW TALES AND OLD.

Although it is not to be supposed that judges ever draw their humour from the mummified witticisms of their predecessors, legal anecdotes have a tendency to repeat themselves, which I suppose must be put down either to coincidence or to the natural confusion of oral tradition over the port. For instance, in a recently published book of memoirs, we are told of an over-dressed individual who stepped into the witness-box in Mr. Justice Bray's court. "Is your name Mr. ——, and are you the plaintiff in this case?" he was asked. "I ham." "You are at present residing at ——'s Hotel?" "I ham." At last, turning to the witness, the judge murmured: "And a very well-dressed ham you are too." Now, connoisseurs in legal anecdotes will at once recognise a strong family resemblance to one of the innumerable tales of the great Scarlett's methods of cross-examination. In this one, he disconcerted by a similar remark a bumptious witness with a similar superfluity of aspirates. In the same book, the sad story of the criminals who smiled when Avory, J., gave them eighteen months' imprisonment for robbery with violence and found ten strokes of the cat added to their punishment has the same flavour as the tale of the prisoner who, when Lord Norbury, C.J., condemned him to be flogged from the Bank to the Quay in Dublin, said: "Thank you, my lord; you have done your worst," only to meet the rejoinder: "No—and back again."

NO RETIREMENT.

The term has opened, and Lord Hewart, most happily, is still with us, having made it quite plain in his speech at the banquet of the provincial meeting of The Law Society that he has no intention of retiring for at least another twenty years, despite occasional newspaper predictions. Lord Esher, when he was the subject of such rumours, would dispel them by appearing in an obviously new wig. Once, rising for the Long Vacation, he said: "And now, gentlemen, I must wish you all good-bye." He paused to watch the sensation at the Bar, and then added: "until after the Vacation." At the time when the government were trying to engineer the retirement of Lord Norbury, the Lord-Lieutenant of Ireland sent the Under-Secretary to try to persuade him to resign. But the old Chief Justice, guessing his errand, thus greeted him: "Gregory, my best and oldest friend, I was just wishing to see you on most important business. Would you believe it? That puppet Viceroy, our mock sovereign, has the audacity to wish for my resignation and I am resolved to challenge the bearer of his impudent message. The pistols which I have before now used with effect are ready, and I know I can reckon on you as my friend, but I trust this rumour may not be true." As Norbury was a first-class shot, the Under-Secretary did not deliver his message.

POINTS IN PRACTICE.

Questions from Solicitors who are Registered Annual Subscribers only are answered, and without charge, on the understanding that neither the Proprietors nor the Editor, nor any member of the Staff, are responsible for the correctness of the replies given or for any steps taken in consequence thereof. All questions must be typewritten (in duplicate), addressed to the Editorial Department, 29-31, Breams Buildings, E.C.4, and contain the name and address of the Subscriber. In matters of urgency answers will be forwarded by post if a stamped addressed envelope is enclosed.

Mortgagor's Costs of Production of Deeds for Inspection.

Q. 3234. X has mortgaged ten of his leasehold properties to the P.Q.R. Building Society. X has now arranged to have a private mortgage on these properties. I am acting for X and for the new mortgagee and have applied to the society for facilities to inspect the deeds. The society has replied that the deeds have "to-day been handed over to our solicitor for the purpose of being produced to you for inspection on payment of the solicitor's usual costs for production of documents." X maintains that it is quite unnecessary to bring the society's solicitor into the matter at all at present, and that if he is so brought in by the society as aforesaid the latter must bear the unnecessary expense. I would have been quite satisfied to inspect the deeds at the society's office. Under these circumstances please give your opinion whether the payment of the solicitor's fee can be insisted upon by the society.

A. Although, if deeds are actually produced by a lay mortgagee he cannot charge a fee but only his out-of-pocket expenses, if any, it is considered to be a recognised practice that a mortgagee is entitled to hand the documents to his solicitors for production and that their reasonable fee is payable by the mortgagor, and there appears to be no distinction to be drawn between a building society and any other mortgagee. If the inspection is not made, the building society's solicitors cannot charge, but if it is made the opinion is given that the fee must be paid.

Third Party Insurance.

Q. 3235. A is the owner of a motor van which he leases to B. B effects an insurance against third party risk and runs somebody down. Can the injured party bring an action for damages against A as owner of the van, and if so, would A have a claim under the insurance against third party risk effected by B as the hirer of the vehicle?

A. The answer appears to depend upon the meaning of the word "leases" in the question. If the terms of the contract have the result that B becomes the owner of the car for a period, A would not be liable to the injured party. If, on the other hand, B has merely hired the car for a temporary purpose, A is responsible for an effective insurance being maintained. If B's insurance was not effective, A could be sued by the injured party. See *Richards* v. *Port of Manchester Insurance Co. Ltd.* (1935), 152 L.T. 261. If B's insurance is in order, it is difficult to see how the question of A's liability can arise, as there is no need for the injured party to sue A. If, however, the contest is between the insurers of A and the insurers of B (as to which of them is liable), see *Tattersall* v. *Drysdale* [1935] W.N. 93. In any case A could not claim under B's policy, as there is no privity of contract between A and B's insurers, and there appears to be no reason for suggesting that A can have any right by subrogation.

Licensing—Ordinary Removal—Condition of Surrendering another Licence—Powers of Confirming Authority—Compensation for Surrendered Licence.

Q. 3236. A is the holder of two justices' licences in respect of two adjacent properties owned by different persons. A is applying for a removal order of licence No. 1 to more commodious premises a short distance away. The licensing justices have granted the removal, subject to confirmation by the confirming authority. In "Paterson's" (1935 ed., p. 613, note (*g*) to s. 26, Licensing (Consolidation) Act, 1910), it is stated that the justices "may probably require the surrender of other licences before making an order sanctioning the removal." I shall be glad to have your views on the following: (1) Can the confirming authority require the licensee to surrender licence No. 2 before they confirm the removal order of licence No. 1. (2) If licence No. 2 is surrendered, does any claim for compensation arise (*a*) by the licensee; (*b*) by the owner.

A. (1) In our opinion the confirming authority have the same power to refuse to confirm save on conditions as the licensing justices have to refuse a renewal. (2) In our opinion to neither, if it is surrendered on conditions relative to the removal of No. 1 licence.

Wife's Possessory Title.

Q. 3237. Under a deed of separation to be entered into a husband, besides making an allowance to his wife, permits her to have the use and occupation of his house (rent free) and furniture during the continuance of the deed, she paying the outgoings, except the ground rent and insurance, which the husband is to pay. Can the wife acquire a possessory title?

A. The wife cannot acquire a possessory title, as the occupation by her will not have been adverse to, or inconsistent with, the title of the husband. The wife will be in possession by virtue of the deed, entered into by the husband, and the period of her right to possession is limited by the deed.

Will—Trust for sale—Death before 1898—Sale—L.P.A., 1925, s. 23.

Q. 3238. A testator, by his will made in 1896, gave all his real and personal property to X and Y (his executors and trustees) upon trust to sell and convert the same into money, to invest the net proceeds and to pay the income thereof to his wife for life and thereafter to his two brothers in equal shares. The testator's property consisted of a small freehold cottage, worth about £100, and cash in the bank amounting to about £34. The testator died in December, 1897. His executors did not sell the freehold property but permitted his widow to remain in occupation thereof until her death in 1934. The widow, by her will, appointed H.R. to be her sole executor and trustee and he has proved the will. The cottage, having been condemned by the local authority, has now been pulled down, and it is proposed to sell the plot of land on which it stood for £15. As the testator died before the Land Transfer Act, 1897, came into operation, please state—

(A) who should be the vendors—X and Y or H.R.?

(B) what recitals are advisable in the conveyance?

A. As the death of the testator occurred before the Land Transfer Act, 1897, Pt. I, came into force, the legal estate did not vest in X and Y as personal representatives, but as devisees upon trust for sale. They should, therefore, sell pursuant to the trust. The purchaser will be amply protected notwithstanding the long delay in the exercise of the trust (L.P.A., 1925, s. 23).

The will of the testator (showing the universal devise upon trust for sale), his death seised in unincumbered fee simple, the probate of his will, and the agreement for sale pursuant to the trust should be recited. The destination of the proceeds of sale should not appear on the recitals.

As there was a trust for sale there was no "settlement."

Obituary.

MR. A. J. ALLEN.

Mr. Archibald John Allen, Barrister-at-Law, of Old-square, Lincoln's Inn, died on Thursday, 3rd October, at the age of seventy-seven. Mr. Allen, who was educated at Harrow and St. John's College, Oxford, was called to the Bar by Lincoln's Inn and practised at the Chancery Bar.

MR. W. BARNARD.

Mr. William Barnard, M.A., LL.B., Barrister-at-Law, of Cromwell-road, S.W., late of Old-square, Lincoln's Inn, died in a nursing home, on Sunday, 6th October. Mr. Barnard was called to the Bar by the Inner Temple in 1883.

MR. T. F. DUNNICLIFFE.

Mr. Thomas Frederic Dunnicliffe, B.A. Cantab., solicitor, of Burton-on-Trent, died in a nursing home, on Saturday, 5th October, at the age of seventy-six. Mr. Dunnicliffe was admitted a solicitor in 1885.

MR. W. B. ETCHES.

Mr. William Baker Etches, retired solicitor, of Charmouth, Dorset, died on Friday, 27th September, in his eighty-eighth year. Mr. Etches was admitted a solicitor in 1877.

MR. R. Y. EVANS.

Mr. Robert Young Evans, solicitor, of Cardiff, died on Friday, 4th October, in his eighty-fifth year. Mr. Evans, who was admitted a solicitor in 1875, was appointed magistrates' clerk for the Caerphilly Lower Petty Sessional Division in 1878, and held that office until last March. He was the oldest hereditary freeman of Cardiff.

MR. A. MAW.

Mr. Allan Maw, solicitor, a partner in the firm of Messrs. Ascroft, Maw & Shimeld, of Oldham, died in a nursing home at Southport, on Friday, 27th September, at the age of forty-six. Mr. Maw was educated at Shrewsbury School and was admitted a solicitor in 1914.

TABLE OF CASES previously reported in current volume.—Part II.

Societies.

Bristol Incorporated Law Society.

ANNUAL REPORT.

The Sixty-fifth Annual General Meeting of the Bristol Incorporated Law Society was held on Monday, 7th October.

The following is the annual report of the Council which was presented at the meeting:—

LEGISLATION.—The Council drew attention to the following Acts of Parliament: 24 & 25 Geo. 5:—Betting and Lotteries; Poor Law. 25 & 26 Geo. 5:—Electricity (Supply); Finance; Increase of Rent and Mortgage (Restrictions); Supreme Court of Judicature (Amendment); Vagrancy; Assurance Companies (Winding-up); Housing; Law Reform (Married Women and Tort-feasors); Money Payments (Justices Procedure); Restriction of Ribbon Development; National Health Insurance and Contributory Pensions.

POOR PERSONS COMMITTEE.—This Committee during the past year (April, 1934–March, 1935) dealt with sixty applications for legal assistance. Of these, thirty-four were granted, twenty-two refused, one deferred, one withdrawn and two otherwise disposed of. The Committee again desire to thank those counsel and solicitors who have undertaken the conduct of these cases, and ask members who have not already done so to allow their names to be placed on the rota, so that the work may be more fairly distributed.

LEGAL EDUCATION—SCHOOL OF LAW.—A grant of £600 has again been received from The Law Society by the Bristol and District Board of Legal Studies. Courses of lectures have been given as follows: Twelve for Final students, three of these being given by Professor Malcolm M. Lewis, M.A., LL.B. Cantab., on Conveyancing; three by Mr. A. M. Wilshere, M.A., LL.B., on Common Law; three by Mr. E. W. W. Veale, LL.D. (Lond.), two on Company Law and one on Equity; and three by Mr. K. H. Bain, LL.B. (Lond.), on Private International Law. Six courses have been given for Intermediate students on the subject-matter of Stephen's Commentaries, three being given by Professor Lewis and three by Dr. Veale. The total number of students attending these lectures was forty-seven. One attended from Axbridge, five from Bath, three from Bridgwater, three from Cheltenham, one from Clevedon, two from Frome, five from Gloucester, one from Malmesbury, one from Minehead, one from Taunton, one from Tewkesbury, one from Thornbury, one from Weston-super-Mare, and one from Yeovil. The remaining twenty were local students.

During the year twenty articled clerks passed the examinations of The Law Society, of whom eight passed the Final Examination, five the Intermediate, two the Intermediate (Legal Portion) and five the Book-keeping portion only.

Mr. C. H. Kinnersley, B.A., LL.B. Cantab., articled to Mr. E. J. G. Higham, B.A., B.C.L., and Mr. W. Sommerville, B.A. Cantab., articled to Mr. T. Murray Sowerby, obtained Second-class Honours in the Final Examination held in June last, and prizes to the value of £4 4s. each were awarded to them.

After sixty-six years' loyal service Mr. J. J. Thomas has retired from the position of Librarian and has been appointed as Consulting Librarian. The Council desire to record their great appreciation of the devotion of Mr. Thomas to his duties over so long a period and the unfailing and courteous service he has rendered. Mr. Harwood who has been his assistant for many years has been appointed Librarian in his stead.

The Council regret to have to report the deaths of Mr. C. E. Barry, LL.D., a member of the Council from 1892 until his death, President for years 1899–1900, and 1909–1910, also President of The Law Society 1932–1933, Mr. J. Chaffey Glyde, a member of the Council from 1911–1924, and President for the year 1918–1919, and Mr. F. H. Fisher.

The Council beg to acknowledge with thanks the presentation of the following books to the library: The Letters of Sir Walter Scott, 1823–25, by H. J. C. Grierson, M.A., LL.D., D.Litt. (Anonymous); Staple Court Books of Bristol, by E. E. Rich, Esq., M.A. (Bristol Record Society's Publications, Vol. 5), 1934, by Cyril Meade-King, Esq.

The members of the Council retiring by rotation are Mr. W. Sefton Clarke, Mr. Josiah Green and Mr. E. A. Painter. The Council nominate Mr. W. Sefton Clarke for re-election in exercise of their power under the fourth Article of Association.

Solicitors' Benevolent Association.

Mr. T. G. Cowan took the chair at the annual general meeting of this Association held at the White Rock Pavilion, Hastings, on Wednesday morning, the 25th September. In moving the adoption of the report and accounts, he said that the Association had received considerable sums in legacies during the past year, amounting, apart from the will of the late Lord Riddell, to £11,000. Under Lord Riddell's will it was entitled to a twelfth share of the residue estate. The ultimate value of this share could not be assessed at present, because the testator had created a large number of annuities. The will, however, had contained the usual power of appropriation to meet these annuities. The directors had exercised this power of appropriation and a considerable sum of money had thus been released. Since the preparation of the present annual report the Association had benefited by the sum of £16,666, and the board anticipated that it would receive another £5,000 or £6,000 by the end of the year, and, as the annuities gradually fell in, further sums probably amounting to £20,000 or £25,000. When Sir Edmund Cook had vacated the chair he had bequeathed to Mr. N. T. Crombie the task of raising the membership to 6,000. At the Newcastle meeting Mr. Crombie had not yet fulfilled this charge and had expressed a little disappointment, but before the end of his term of office he had just recruited his six thousandth member. During the past year 312 new members had joined, but the membership was only 6,057 owing to deaths and resignations. The recent additions to the membership had resulted largely from the efforts of the local committees, to which the Association owed a deep debt of gratitude for their efforts and the diligence and care with which they examined all local claims for relief. Their appointment had proved invaluable. After expressing warm thanks to his Deputy Chairman, Mr. C. S. Bigg (Leicester), to Mr. T. Gill, Secretary, and Miss K. Passmore, Almoner, he exhorted all solicitors to follow the Levitican precept: "Thou shalt not reap the corners of thy fields," and to give to the Association that part of their income which represented what in ancient times would have been left to the gleaners.

Mr. C. L. Nordon suggested that the various funds of the Association, such as the Cecil Coward Fund for educating the children of members, should be amalgamated, and that the annual report should be circulated through the whole profession as well as to members. He considered that to hold the annual meeting during the provincial meeting made the proceedings available to far too small a public and urged that it be held in London. He also desired to see the Association amalgamated with the Law Association, which existed for the benefit of metropolitan solicitors and their families.

Sir Reginald Poole (London) said that this amalgamation had been considered over and over again and had been rejected as impossible. It would require a special Act of Parliament and would entail considerable expense. He pointed out that the Association wished to reach non-members, and that it would not be any better off in this direction even if it held the meetings in London. Its experience had been that whenever it had appealed to the local bodies by whom The Law Society had been entertained, the resulting subscriptions had been very significant. He considered it excellent policy to continue to hold the meetings in various parts of the country. Dealing with Mr. Crombie's cigarette *simile*, that a solicitor could afford a guinea a year simply by smoking one cigarette less a day, Sir Reginald declared that he wished to turn the cigarette into a cigar and make the cigar-smoker contribute in proportion to his expenditure on tobacco.

A resolution to vest the funds of the Association in a specially formed trustee company instead of, as hitherto, in individual trustees was carried without comment. The Chairman and Sir Edmund Cook both thanked the retiring trustees warmly for their ungrudging services, and Sir Roger Gregory, who replied on their behalf, said that the work had been to him a labour of love which had enabled him to repay, however small, a portion of the great debt which he owed to his profession. He pointed out the great insurance value of membership.

Law Association.

The usual monthly meeting of the directors was held on the 7th October, Mr. Guy H. Cholmeley in the chair. The other directors present were: Mr. E. Evelyn Barron, Mr. E. B. V. Christian, Mr. Arthur E. Clark, Mr. Douglas T. Garrett, Mr. Ernest Goddard, Mr. G. D. Hugh Jones, Mr. C. D. Medley, Mr. Frank S. Pritchard, Mr. J. E. W. Rider, Mr. John Venning and the Secretary, Mr. Andrew H. Morton. The Secretary reported receipt of donations of £35 10s., and a sum of £138 was voted in relief of deserving applicants and other general business was transacted.

The Union Society of London.

The Union Society of London was founded by The Oxford and Cambridge Unions in 1835, and is therefore this year celebrating its centenary. Among its members, it has included Lord James of Hereford, Viscount Selby (Speaker of the House of Commons, 1895–1905), Lord Haldane, Lord Rothschild, P.C., Right Hon. Sir Fitzroy Kelly, P.C., Sir Patrick Hastings, K.C., Right Hon. Sir Austen H. Layard, Field-Marshal Sir Evelyn Wood, V.C., and Sir James B. Melville (Solicitor-General). Certain scenes in Lord Beaconsfield's "Endymion" suggest that the famous author also may have been a member, and several references to the Union appear in that novel. A history of the Union's hundred years of existence has recently been published and may be obtained for 2s. 6d. from the Hon. Secretary. The meetings are held every Wednesday evening during the law terms in Middle Temple Common Room. A debate is held on some subject of political, social ar other interest. Male visitors are cordially invited to attend any of these meetings, and, if they desire, to take part in the discussions. The life membership subscription is one guinea. The Union is the oldest debating society meeting in the Temple, and since 1887 it has been in close touch with the Inns of Court. Membership is not, however, confined to barristers or bar students. The extant records of the society go back as far as 1844, and show that meetings have been held regularly throughout that long period. One debate in each term is open to lady visitors and an annual dinner is held to which distinguished speakers are invited.

Anyone who is anxious to gain experience in public speaking, who is interested in political and other public questions, and who desires to learn more of the different standpoints which may be adopted towards those problems, will find the Union Society an invaluable medium. He will appreciate the pleasant social atmosphere which has always been characteristic of the Union: and by joining he will discover that the Union possesses both a venerable tradition and a youthful vitality. Gentlemen wishing to become members of the Society should apply to Mr. D. W. Dobson, 13 South-square, Gray's Inn, W.C.1, or Mr. A. D. Russell-Clarke, 1, Essex-court, Temple, E.C.4, Joint Hon. Secretaries.

Law Students' Debating Society.

At a meeting of the Society held at The Law Society's Court Room, on Tuesday, 1st October, 1935 (Chairman, Mr. R. Langley Mitchell), the subject for debate was: "That this House urges His Majesty's Government to oppose any proposal for the application of sanctions under the Covenant of the League of Nations in connection with the Italo-Abyssinian dispute." Mr. M. Barry O'Brien opened in the affirmative: Mr. R. D. C. Graham opened in the negative. The following members also spoke: Messrs. A. L. Ungoed-Thomas, G. Roberts, L. F. Sturge, A. M. Randel, S. Lincoln, W. M. Pleadwell, M. Foulis, H. M. Pratt, P. W. Iliff. The opener having replied, the motion was lost by eight votes. There were seventeen members and six visitors present.

At a meeting of the Society held at The Law Society's Court Room, on Tuesday, 8th October (Chairman, Mr. P. W. Iliff), the subject for debate was: "That the case of *In re Bromage* [1935] Ch. 605, was wrongly decided." Mr. G. M. Parbury opened in the affirmative. Mr. R. H. Kerrison opened in the negative. Mr. W. W. Figgin seconded in the affirmative. Mr. J. G. McAndrew seconded in the negative. The following members also spoke: Messrs. C. O'Connor, G. Roberts, Miss U. A. Hastie, Messrs. A. T. Wilson, R. W. Jackling, W. M. Pleadwell, J. R. Campbell Carter and C. J. de S. Root. The opener having replied, and the Chairman having summed up, the motion was lost by two votes. There were thirteen members and four visitors present.

The Medico-Legal Society.

An ordinary meeting of the Society will be held at Manson House, 26, Portland-place, W.1, on Thursday, the 24th October, 1935, at 8.30 p.m., when the President (C. A. Mitchell, Esq., D.Sc.) will deliver his presidential address on "Forensic Chemistry in Relation to Medicine." Members may introduce guests to the meeting on production of the member's private card.

A number of applications for the postponement of cases set down for hearing this term were made to Mr. Justice Goddard last Monday. "What is the use of the courts sitting five days earlier than usual," his Lordship asked, "if every one wants his action postponed?"

Rules and Orders.

THE DRAINAGE BOARDS (FINANCIAL STATEMENT) REGULATIONS, 1935, DATED AUGUST 28, 1935, MADE BY THE MINISTER OF HEALTH UNDER PART X OF THE LOCAL GOVERNMENT ACT, 1933 (23 & 24 GEO. 5. c. 51). [S.R. & O. 1935, No. 891. Price 2d. net.]

THE SUPREME COURT FUNDS (No. 3) RULES, 1935. DATED SEPTEMBER 30, 1935.

I. the Right Honourable Douglas McGarel Viscount Hailsham, Lord High Chancellor of Great Britain, with the concurrence of the Lords Commissioners of His Majesty's Treasury, and in pursuance of the powers contained in section 146 of the Supreme Court of Judicature (Consolidation) Act, 1925,* and every other power enabling me in this behalf, hereby make the following Rules :—

1. In these Rules a Rule referred to by number means the Rule so numbered in the Supreme Court Funds Rules, 1927,† as amended.

2. At the end of paragraph (2) of Rule 48 the following words shall be added :—

"or payable to such bank for the account named in such request."

3. At the end of paragraph (4) of Rule 48 the following words shall be added :—

"provided that where in matters in Lunacy payments are directed to be made to the Medical Superintendent or other officer of a Hospital or Institution for the benefit of a patient the Accountant-General may without previous request remit the amounts so directed to be paid by cheque crossed generally."

4. These Rules may be cited as the Supreme Court Funds (No. 3) Rules, 1935, and shall come into operation on the 14th day of October, 1935, and the Supreme Court Funds Rules, 1927, as amended, shall have effect as further amended by these Rules.

5. The Supreme Court Funds (No. 3) Provisional Rules, 1935, dated the 22nd day of July, 1935, and now in force, shall continue in force till the 14th day of October, 1935, on which day they shall be superseded and replaced by these Rules.

Dated the 30th day of September, 1935.

Hailsham, C.

James Blindell, | Lords Commissioners of
Walter J. Womersley, | His Majesty's Treasury.

* 15 & 16 Geo. 5. c. 49. † S.R. & O. 1927 (No. 1184) p. 1638, as amended by S.R. & O. 1931 (No. 459) p. 1239, 1933 (No. 61) p. 1826, 1934 (No. 1069) II. p. 610 and 1935 Nos. 108 and 666.

Legal Notes and News.

Honours and Appointments.

The King has been pleased to approve :—

That The Right Hon. LORD WRIGHT be appointed Master of the Rolls in succession to The Right Hon. Lord Hanworth, who, acting on medical advice, has resigned the office ;

That The Right Hon. Sir FREDERIC HERBERT MAUGHAM, one of the Lord Justices of Appeal, be appointed a Lord of Appeal in Ordinary in succession to the late Right Hon. Lord Tomlin ;

That WILFRID GREENE, Esq., K.C., be appointed a Lord Justice of Appeal.

The King has conferred the honour of knighthood upon Mr. LEONARD COSTELLO, a Judge of the High Court of Justice in Calcutta.

The Lord Chancellor has appointed Mr. OSCAR KEAN to be a Registrar in Bankruptcy of the High Court of Justice in succession to the late Sir Marshall Warmington.

The Colonial Office announces the following appointments and promotions in the Colonial Legal Service : Mr. A. N. DOORLY (Attorney-General, Zanzibar), appointed Puisne Judge, Gold Coast ; Mr. F. C. GAMBLE (Resident Magistrate Kenya), appointed Puisne Judge, Uganda ; Mr. F. GORDON SMITH (Attorney-General, Trinidad), appointed Puisne Judge, Straits Settlements ; Mr. W. J. LOCKHART-SMITH (Assistant Crown Solicitor), appointed Assistant Land Officer, Hong Kong ; Mr. M. D. LYON (Police Magistrate, Gambia) appointed Magistrate, Tanganyika ; Mr. C. MATHEW (Magistrate, Uganda), appointed Chief Magistrate, Palestine.

Belfast City Council have appointed Mr. JOHN ARCHER, Town Solicitor, to be Town Clerk and Town Solicitor.

Mr. CHARLES BARRATT, Senior Assistant Solicitor to the Halifax Corporation, has been appointed Deputy Town Clerk of Rochdale. Mr. Barratt was admitted a solicitor in 1931.

Mr. JAMES HASTINGS, legal assistant in the Town Clerk's Department, Clydebank, has been appointed Town Clerk Depute in succession to Mr. James Cameron, who has been appointed Town Clerk of Inverness.

Mr. DONALD OGDEN SWIFT, an Assistant Solicitor in the Town Clerk's Department, Sheffield, has been appointed Assistant Solicitor to Leeds Corporation. Mr. Swift was admitted a solicitor in 1934.

Mr. C. H. WILD, Chester, has been appointed Assistant Solicitor of Lowestoft. Mr. Wild was admitted a solicitor in 1934.

Professional Announcements.

(2s. per line.)

Mr. WILLIAM PERCY WEBB gives notice that from the 5th October, 1935, he has retired from the firm of Messrs. H. S. Wright & Webb, of 18 Bloomsbury-square, W.C.1, and is practising at 5, Verulam-buildings, Gray's Inn, W.C.1. (Telephone : Chancery 7066).

Mr. HENRY HERBERT SYDNEY WRIGHT and Mr. GEORGE RODERICK WEBB, LL.B., will continue to practise under the name of "H. S. Wright & Webb," at 18, Bloomsbury-square, W.C.1, as heretofore.

SOLICITORS & GENERAL MORTGAGE & ESTATE AGENTS ASSOCIATION.—A link between Borrowers and Lenders, Vendors and Purchasers.—Apply, The Secretary, Reg. Office : 12, Craven Park, London, N.W.10.

Notes.

Mr. James H. Anderson has retired from the post of Chief Clerk at Clerkenwell County Court. Mr. Anderson spent the whole of his forty years' service at Clerkenwell, and had been Chief Clerk since 1926.

A banquet under the auspices of the Institute of Chartered Accountants will be given at Guildhall on 21st October. The chief speakers will include the Lord Mayor, the Lord Chancellor and the Lord Chief Justice. Mr. A. E. Cutforth, the President of the Institute, will deliver an address.

The report for 1934 by the Board of Trade on matters within the Bankruptcy and Deeds of Arrangement Acts shows a reduction in insolvency in England and Wales last year as compared with 1933. Figures in respect of cases under the Bankruptcy Acts were the lowest for ten years.

Mr. Justice Bennett last Wednesday said that so far as he knew there was no authority under which a loose-leaf book was held to be a minute book within the meaning of s. 120 of the Companies Act, 1929. He proposed to hold that it was not, and he refused to admit such a minute book in evidence.

The following days and places have been fixed for holding the Autumn Assizes on the South Wales Circuit :—Mr. Justice Lawrence and Mr. Justice Singleton.—Wednesday, 6th November, at Carmarthen ; Wednesday, 13th November, at Brecon ; Monday, 18th November, at Cardiff.

For the fourth time in succession there was no criminal business at Westmorland Quarter Sessions at Kendal on Friday, 4th October, and Mr. H. B. Greenwood, Clerk of the Peace, presenting white gloves to Mr. E. W. Wakefield, the Chairman, said that the absence of criminal business for twelve months was a record.

Judge Bensley Wells, at Southwark County Court last Tuesday, made a rule that representatives of firms suing for debts would not be allowed to conduct cases on behalf of their employers. He referred particularly to estate agents supporting summonses for possession of premises, and said that a principal must either appear in person or employ a solicitor or counsel.

Mr. Ivan Snell, the Marylebone Police Court magistrate, after being compelled to remand further a number of cases last Tuesday owing to the pressure of fresh work, said : "Every day there is enough new work produced in the court to more than fill up the amount of time at my disposal. I sit every day until after five, and I sit practically every day of the week, and I do not see what more I can possibly do. It may be a great hardship to some to come here day after day with counsel and solicitors to find that I cannot give more than fifteen to twenty minutes on a long remand case. There is only one way out of it. If prisoners going for trial would not instruct their counsel and solicitors to cross-examine at length before me much time could be saved."

REMOVAL OF LAND CHARGES AND AGRICULTURAL CREDITS DEPARTMENTS AND THE MIDDLESEX DEEDS REGISTRY.

The Chief Land Registrar has informed the Council of The Law Society that the Land Charges and Agricultural Credits Departments and the Middlesex Deeds Registry will be removed from the Land Registry in Lincoln's Inn-fields, London, W.C.2, to Lion House, Red Lion-street, High Holborn, London, W.C.1, on the 28th October, 1935. All communications relating to those departments should be addressed from that date to The Superintendent, Lion House, Red Lion-street, High Holborn, W.C.1, where in future all registrations and searches in those Departments or Registry will be conducted.

Registration of title under the Land Registration Act, 1925, will continue to be conducted at H.M. Land Registry, Lincoln's Inn-fields, W.C.2, as heretofore.

LIABILITY OF TRAVEL AGENCIES FOR WRONG INFORMATION.

A decision of the Austrian Supreme Court, published recently (27th August, 1935), in the "*Neue Wiener Journal*," should also be of interest to the English public as similar cases might arise any day in this country. A Viennese fur merchant wished to travel to Helsingfors (Finland) on business. He enquired at a travel agency what would be the quickest way of getting to his destination. He was advised to fly from Tallin to Helsingfors, because if he were to make the trip by rail he might not arrive in time to make the purchases which were the object of his trip. The travel agency also issued to him an aeroplane ticket for this route. On his arrival at Tallin he was, however, unable to make use of the ticket, because the air service to Helsingfors is only run conditionally, viz., only when the Finnish Gulf is under ice and therefore unfit for navigation. The traveller could do no better than take a ship; he arrived at Helsingfors much too late, could not obtain the furs he had intended to buy and had to return to Vienna disappointed. At the Commercial Court he sued for his travelling expenses and also for the damage he suffered in consequence of the wrong information which had caused him to be absent from Vienna for twelve days. While he lost his case at this court he was successful at the higher court to which he appealed. The case finally went to the Supreme Court where it was decided that a travel agency must be expected to have the most exact expert knowledge even of far-removed climatic occurrences on which a trip may depend. Though no corresponding English decision appears to have been published, there cannot be much doubt that the courts here would have decided the case just so. It may further be added that the German Civil Code (Buergerliches Gesetzbuch) s. 676, explicitly makes a person who gives an advice or an information liable for any damage arising therefrom, provided he acted under a contract or committed a tort.

Court Papers.

Supreme Court of Judicature.

ROTA OF REGISTRARS IN ATTENDANCE ON

DATE.	EMERGENCY ROTA.	APPEAL COURT No. 1.	GROUP I. MR. JUSTICE EVE. Non-Witness.	MR. JUSTICE BENNETT. Witness. Part I.
	Mr.	Mr.	Mr.	Mr.
Oct. 14	Jones	More	Blaker	*Hicks Beach
,, 15	Ritchie	Hicks Beach	Jones	*Blaker
,, 16	Blaker	Andrews	Hicks Beach	*Jones
,, 17	More	Jones	Blaker	*Hicks Beach
,, 18	Hicks Beach	Ritchie	Jones	Blaker
,, 19	Andrews	Blaker	Hicks Beach	Jones
	GROUP I. MR. JUSTICE CROSSMAN. Witness. Part II.	MR. JUSTICE CLAUSON. Witness. Part II.	GROUP II. MR. JUSTICE LUXMOORE. Witness. Part I.	MR. JUSTICE FARWELL. Non-Witness.
	Mr.	Mr.	Mr.	Mr.
Oct. 14	*Jones	More	*Ritchie	Andrews
,, 15	Hicks Beach	*Ritchie	*Andrews	More
,, 16	*Blaker	Andrews	*More	Ritchie
,, 17	Jones	*More	Ritchie	Andrews
,, 18	*Hicks Beach	Ritchie	*Andrews	More
,, 19	Blaker	Andrews	More	Ritchie

* The Registrar will be in Chambers on these days, and also on the days when the Court is not sitting.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate (30th June, 1932) 2%. Next London Stock Exchange Settlement, Thursday, 24th October, 1935.

	Div. Months.	Middle Price 9 Oct. 1935.	Flat Interest Yield. £ s. d.	‡Approximate Yield with redemption £ s. d.
ENGLISH GOVERNMENT SECURITIES				
Consols 4% 1957 or after	FA	111	3 12 1	3 5 4
Consols 2½%	JAJO	82½	3 0 7	—
War Loan 3½% 1952 or after	JD	103½	3 7 8	3 4 7
Funding 4% Loan 1960-90	MN	112	3 11 5	3 5 9
Funding 3% Loan 1959-69	AO	99	3 0 7	3 0 11
Victory 4% Loan Av. life 23 years	MS	111	3 12 1	3 6 2
Conversion 5% Loan 1944-64	MN	116	4 6 2	2 15 0
Conversion 4½% Loan 1940-44	JJ	109¼	4 2 4	2 12 11
Conversion 3½% Loan 1961 or after	AO	103	3 8 0	3 6 5
Conversion 3% Loan 1948-53	MS	101¼	2 19 3	2 17 6
Conversion 2½% Loan 1944-49	AO	98½	2 10 9	2 12 9
Local Loans 3% Stock 1912 or after	JAJO	91½	3 5 7	—
Bank Stock	AO	352	3 8 2	—
Guaranteed 2½% Stock (Irish Land Act) 1933 or after	JJ	84	3 5 6	—
Guaranteed 3% Stock (Irish Land Acts) 1939 or after	JJ	92	3 5 3	—
India 4½% 1950-55	MN	110½	4 1 5	3 11 8
India 3½% 1931 or after	JAJO	93	3 15 3	—
India 3% 1948 or after	JAJO	79	3 15 11	—
Sudan 4½% 1939-73 Av. life 27 years	FA	118	3 16 3	3 9 4
Sudan 4% 1974 Red. in part after 1950	MN	113	3 10 10	2 18 3
Tanganyika 4% Guaranteed 1951-71	FA	111	3 12 1	3 1 5
L.P.T.B. 4½% "T.F.A." Stock 1942-72	JJ	109	4 2 7	2 17 0
COLONIAL SECURITIES				
Australia (Commonw'th) 4% 1955-70	JJ	105	3 16 2	3 12 10
*Australia (C'mm'nw'th) 3¾% 1948-53	JD	101	3 14 3	3 13 0
Canada 4% 1953-58	MS	105	3 16 2	3 12 4
*Natal 3% 1929-49	JJ	100	3 0 0	3 0 0
*New South Wales 3½% 1930-50	JJ	99	3 10 8	3 11 9
*New Zealand 3% 1945	AO	99	3 0 7	3 2 6
Nigeria 4% 1963	AO	111	3 12 1	3 7 9
*Queensland 3½% 1950-70	JJ	100	3 10 0	3 10 0
South Africa 3½% 1953-73	JD	104	3 7 4	3 4 1
*Victoria 3½% 1929-49	AO	98	3 11 5	3 13 8
CORPORATION STOCKS				
Birmingham 3% 1947 or after	JJ	92	3 5 3	—
*Croydon 3% 1940-60	AO	100	3 0 0	3 0 0
Essex County 3½% 1952-72	JD	105	3 6 8	3 2 4
Leeds 3% 1927 or after	JJ	92	3 5 3	—
Liverpool 3½% Redeemable by agreement with holders or by purchase	JAJO	103	3 8 0	—
London County 2½% Consolidated Stock after 1920 at option of Corp.	MJSD	79	3 3 3	—
London County 3% Consolidated Stock after 1920 at option of Corp.	MJSD	91	3 5 11	—
Manchester 3% 1941 or after	FA	93	3 4 6	—
Metropolitan Consd. 2½% 1920-49	MJSD	97½	2 11 3	2 14 4
Metropolitan Water Board 3% "A" 1963-2003	AO	95	3 3 2	3 3 8
Do. do. 3% "B" 1934-2003	MS	94	3 3 10	3 4 4
Do. do. 3% "E" 1953-73	JJ	99	3 0 7	3 0 10
Middlesex County Council 4% 1952-72	MN	111½	3 11 9	3 2 4
† Do. do. 4½% 1950-70	MN	114	3 18 11	3 6 0
Nottingham 3% Irredeemable	MN	90	3 6 8	—
Sheffield Corp. 3½% 1968	JJ	103	3 8 0	3 7 0
ENGLISH RAILWAY DEBENTURE AND PREFERENCE STOCKS				
Gt. Western Rly. 4% Debenture	JJ	109½	3 13 1	—
Gt. Western Rly. 4½% Debenture	JJ	119½	3 15 4	—
Gt. Western Rly. 5% Debenture	JJ	132½	3 15 6	—
Gt. Western Rly. 5% Rent Charge	FA	129½	3 17 3	—
Gt. Western Rly. 5% Cons. Guaranteed	MA	123½	4 1 0	—
Gt. Western Rly. 5% Preference	MA	109½	4 11 4	—
Southern Rly. 4% Debenture	JJ	108	3 14 1	—
Southern Rly. 4% Red. Deb. 1962-67	JJ	107½	3 14 5	3 11 3
Southern Rly. 5% Guaranteed	MA	122½	4 1 8	—
Southern Rly. 5% Preference	MA	110½	4 10 6	—

*Not available to Trustees over par. †Not available to Trustees over 115.
‡In the case of Stocks at a premium, the yield with redemption has been calculated as at the earliest date; in the case of other Stocks, as at the latest date.

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